



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 24th day of May, 2004

Application of

SCOTT AVIATION, INC.

for a certificate of public convenience and necessity under
49 U.S.C. 41102 to engage in interstate charter air
transportation of persons, property, and mail

Served: May 27, 2004

Docket OST-2003-15893

ORDER DISMISSING APPLICATION

On August 8, 2003, Scott Aviation, Inc., an air taxi operator based in West Chicago, Illinois, filed an application requesting that the Department issue it a certificate of public convenience and necessity in order to engage in interstate charter air transportation of persons, property, and mail using DC-9 aircraft.¹ At the time of its filing, Scott Aviation's application lacked much of the information the Department requires in order to make a determination of fitness.

By letter dated September 15, 2003, the Department requested additional information from Scott Aviation. The applicant's response was originally due by October 15, 2003. However, after several requests from Scott Aviation for additional time in which to respond, the Department extended the due date until January 2, 2004.

Despite the extension, Scott Aviation did not submit its response to our initial information request until February 13, 2004. Upon review, the Department identified additional areas that needed further information and/or clarification in order to fully process Scott Aviation's application, and by letter dated March 4, 2004, the Department requested that the applicant provide current financial information and further support for its management personnel. We asked for a response within 21 days, i.e., by March 25. Subsequent to this letter, Scott Aviation asked that we allow it additional time to complete its response. We granted the applicant an extension until April 8, 2004.

¹ The Office of the Assistant General Counsel for Aviation Enforcement and Proceedings completed an investigation on Scott Aviation and found the carrier to have unlawfully engaged in air transportation using large aircraft without the appropriate economic authority. As a result of this investigation, the Department, by Order 2004-2-6, issued February 9, 2004, directed Scott Aviation to cease and desist from future unlawful conduct and assessed \$65,000 in civil penalties. Scott Aviation agreed to the provisions in the Department's consent order and indicated, in its response, that it had already filed an application with the Department and the FAA for appropriate authority to operate large aircraft. *See* Order 2004-2-6 (Docket OST-2004-16943).

The date for response has now passed, and we still have not received any additional filing by Scott Aviation.

The Department expects an applicant for certificate authority to be prepared to fully prosecute its application at the time it is filed. While we are willing to work with applicants in the certification process and, where warranted, allow additional time to file information, we cannot allow applications to remain pending indefinitely. Processing and maintaining incomplete applications creates delays in the Department's ability to process applications from companies that have prepared complete filings and are reaching completion of the necessary steps to commence operations.

In light of the above, we have decided to dismiss, without prejudice, Scott Aviation's application in Docket OST-2003-15893. We invite Scott Aviation to refile its application when it is fully prepared to prosecute its application.²

ACCORDINGLY, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We dismiss, without prejudice, the application filed by Scott Aviation, Inc. in Docket OST-2003-15893 for a certificate of public convenience and necessity.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall become effective and become the final action of the Department of Transportation upon expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

*An electronic version of this document is available on the World Wide Web at:
<http://dms.dot.gov>*

² We also remind Scott Aviation that it must continue to abide by the cease and desist and other provisions of DOT Order 2004-2-6.

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